THE Order of keeping a Court LEET and Court BARON, with the charges appertaining to the same.

Truely and plainely delivered in the English tongue, for the profit *of all men, and most commodious* for young Students of the Lawes, *and all other within the iurisdiction* of those Courts, with divers *new additions thereunto* added.

Quicquid agas prudenter agas, & respice finem.

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THE ORDER OF Court Leet and Court Baron.

FIrſt, there ſhall bée a Precept made by the Steward vnto the Baylife, to warne the Court by a reaſonable time: that is to ſay, three moze dayes befoze the Court bée kept, in ſuch fozme as followeth: but it is the better if warning be fiftéene dayes befoze as it is in the Common Banke.

The Precept.

Blackford. A. B. *generoſ. Seneſchall Manerij predicti Ballivo ejuſdem Salutem. Tibi præcipio pariter & mando, quod diligenter premonere facias omnes tenentes infra manerium predictum, tam reſidentes quam non reſidentes, ac omnes tenentes Conſuetudinarios manerij predicti quod ſint coram me, in hac parte ſufficienter deputato apud Blackeford prædictam, die Iovis vicesimo ſexto die*

Martij proxime futur' post datum hujus ad faciendum sectam suam, tam ad visum Franc' pleg' quam ad curiam Baron' et omnia alia que eis incumbent, & pertinebunt & hac ullatenus omittas: Et habeas ibi hoc præceptum. Datum sub sigillo meo, decimo die hujus mensis Martij, Anno Regni Iacobi Dei gratia Angliæ, Franciæ, & Hiberniæ, Regis fidei defensor. &c. secundo, & Scotiæ tricesimo octavo.

After that the Steward is set in the Court, hee must first enter in writing the title of the Court in the beginning of the Court Rolle, with the name of the place in such forme as followeth.

The entry of the Court Leet and Court Baron.

VIsus Franc' pleg' cũ curia C. L. generos Domini ejusdem ibidem, tent. die Iovis, videlicet, vicesimo sexto die Martij Anno Regni Domini nostri Iacobi dei gratia Angliæ, Franciæ, et Hiberniæ Regis fidei defensoris &c. secundo, & Scotiæ tricesimo octavo, tent. per A. B. Seneschallum ibidem.

Blackford,

When that is done, the Steward shall cause the Bayliefe which serueth the Court, if it bee in a Leet, to make proclamations, that is to say, three Oyes: and if it bee in a Court Baron, then but one, and after shall say as followeth.

A

All manner of persons which had warning to appeare here this day, to serue the Kings Maiestie for his Leet, and the Lord of the Mannor, for his Court now holden: Draw neere and giue your attendance, and euery one answere to his name as he shall be called, vpon paine and perill that may fall thereof.

And after all bee called, and those that are absent bee marked to bee amerced, then the Steward shall cause againe (if it be in a Leet) to be made other three Oyes. Then after the three proclamations made, the Steward shall cause the Bayliffe to say,

If any will bee Essoyned come in and you shall be heard.

And in a Court Baron, if any will be essoyned, or enter any plaint, come in and you shall bee heard: and then the Steward shall say Essoynes, and proffers of suite and plea, three times, and in the end, Essoynes for this day.

Then if there be any person that hath any lawfull impediment that he cannot bee here as he is bound, let one aske an Essoyne for him (the Court sitting) to saue his default.

And then the Steward shall enter the Essoyne in the Court Rolls in this manner following.

The manner of entring the Essoines.

A.B. per C. D. essoniatur de cõi: Et sic de aliis.

Looke also if there bee any Tenant in the manno: that hath any action, o: cause of action, fithence the last Court day: Let him put in his plaint the Court sitting, and it shall be entred.

Looke also if there bee any Precepts, Attachments o: distresses hanging in the Court Rolles, inquire of them openly in the Court, and know if the Baylie haue serued them.

Also if there bee any old Plaints hanging in the Court Roll, before this Court holden, cause the parties to be called, and before the enquest be charged, know if the plaint shall passe by the homage.

That done, the enquest shall be empanelled: Then bid the fo:eman lay his hand upon the booke, and sweare him in fo:me following:

The Oath of the Foreman.

Cause the Baylie to hold the booke vnto the partie or parties sworne, but the Steward shall give the Oath.

You

YOu shall diligently enquire, and true presentment make of all such things as you shall be charged with, concerning aswell the Kings Maiesties Leet, as the Lords Court of the Mannor: you shall well and truely keepe * the Kings Counceil, your fellowes and your owne: you shall not conceale nor hide any thing for fauour, feare, promise or affection you beare to any person or persons; or present any thing for hatred or malice you beare to any man: but you shall present and tell the truth, the whole truth, and nothing but the truth, so helpe you God, and by the contents of this Booke. And this being done, cause him to kisse the Booke.

* If the court Barō be kept by it selfe there shall bee omitted in this oath, these words *The Kings counsell*, for that is not the Kings Court, but the Leet is.

After the foreman is sworne by himselfe, cause three or foure of the enquest to lay their right hands together on the Booke, and giue them their oath as followeth,

The Oath of the rest of the Iurie.

ALl such oath as A. B. hath made before you on his behalfe, you, and euery of you shall well & truly keepe on your behalfes: so helpe you God, & by the contents of this book.

And then cause euery one that is sworne, to kisse the Booke.

And so in like manner sweare the rest.

After they be sworne, cause the Baylife to number them that bee sworne, as the Steward doth reade them.

The proclamation after the Oath taken.

Then make Proclamation and say thus: All you that be here sworne, draw neere and heare your charge, and all the rest keepe silence, upon paine and perill that shall come thereof. Before the charge gather the common fine, which the Tenants doe pay euery Leet, according to the custome of the manor.

The Exhortation to be given unto the Iurie before the charge, to consider their Oath.

MAsters, the charge which you haue promised by your Oathes to obserue, toucheth and concerneth diuers good lawes and Statutes made for the whole common weale of this Realme, and also for the priuate wealth of euery of you: which matters the Lord of this Franchise considering, and wishing your wealth and quietnesse, willing also good orders to bee obserued and kept among you, and that right and equitie might bee ministred to euery

of

you hath caused therefore the Kings Ma-
ties Leet and his Court to bee summoned
nd kept here at this day: I will therefore
y your fauour, before I enter into the mat-
rs of your charge, declare vnto you by
hat authoritie you are brought hither, and
herein you are bound to serue.

One cause is, for that the Kings Maiestie,
nd his noble Progenitors haue giuen and
raunted vnto the Lord of this Mannor, a
rength and power to keepe a Leet or Law-
ny at two times in the yeare, at which
eet or Lawday, all the Headboroughs, Ti-
ingmen and Mariners, and all other per-
ns which bee resident or dwelling with-
n this Leet, being of the age of twelue
eares or aboue, are bound by the law of
is Realme to appeare: for that there they
ay heare the lawes and Statutes opened
nd declared, that thereby they may know
nd auoide the danger of the same: and fur-
er to enquire of the breakers of the same,
nd present them, that such offendors might
e punished.

The other cause or authoritie is, for that
ou bee the Lords Tenants and are bound
y reason of your Tenure to appeare at the
ord his Court Baron, when it shall hap-
n to be kept according to the Law, that is
lay, at euery three weekes end, and being
heere

here by these two authorities, you are bou
to serue in all such things as you are iou
ly and lawfully charged withall, as
concerning the Kings Maiesties Leet, as t
Lords Court Baron.

And thus you haue heard in briefe the cau
whereby you are bound to come to this L
and Court Baron.

Also to the intent that this your oath wh
you haue taken, may bee the better know
I thinke it good, by your patience, some wh
to say concerning the same.

First in swearing, three things chiefel
ought to bee considered: The first is, th
you sweare truely, that is, you must seclu
all fauour and affection to the parties,
fearing the rich, nor pittying the poore,
considering the simplenes of any person,
the smallnes of the offence, but hauing
truth onely before your eyes, for loue the
of say and speake that which you know
bee true, and no further. The second is, y
must sweare in righteousnesse, that is,
the very zeale and desire you haue in decla
ring of the truth, for the executing of Iustic
for the obseruing of Couenants, honest pr
mises, statutes, lawes, and good customes
and hauing a respect in doing and pe
forming these things, you doe that whic
is to the glorie of God, the honour of th

King

king, the preseruation of the people and common-weale: and this manner of swearing commaunded of almightie God in Deuteronomy, saying: Thou shalt feare the Lord thy God, & serue him, & shalt sweare by his name That is, wee must serue God onely, feare him, and confesse his holy name, which is done by swearing lawfully. Swearing also in many other places of Scripture is commaunded, but the same conditionally, which is, wee must sweare in truth, in iudgement and in righteousnes, &c.

Thirdly, in swearing and taking an oath, you must doe it with iudgement, not rashly nor vnaduisedly, but soberlie, considering what an oath is: and to put you in minde thereof, I will in few words declare what an oath is. An oath is the calling or taking to witnes of God his name, to confirme the truth of that wee say. And Saint Paul saith, An oath for confirmation, is among men an end of all strife. For in doubtfull and obscure matters, where the knowledge of men faileth, we flie vnto God, that hee which is the onely truth, may giue testimonie vnto the truth, and hee which vseth God for a witnes, doth also call for reuenge of periurie at his hands, if hee deceiue and speake not the truth: Also in laying your hands vpon the Booke, you doe sweare, truely to

enquire

inquire and make a true presentment of those things wherewith you be charged, and not to let from saying the truth, and doing truely for fauor, feare, loue or malice of any person: you must consider that in the same booke is contained God his euerlasting trueth and most holy word, whereby wee haue remission and forgiuenesse of our sinnes, and euerlasting life. Also in the Gospell Bookes is contained God his plagues and threats to obstinate sinners, periured men, falsewitnesse-bearers, condemners of innocent and guiltlesse persons, so that if you willingly forsweare your selues, you vtterly forsake God, his mercy and truth, the merits of our Sauiour his nativitie, life, passion, death, resurrection, and ascension, the ioyes of heauen, and euerlasting life, betaking your selues to the diuell the author of all lies, periurie and deceite: and by forswearing and forsaking the truth, you doe forsake Christ, the light and truth it selfe. And although that periurie doe escape sometime vnespied and vnpunished, & be kept secret betweene some of you and others, yet your hearts will iudge and repute one another false, and be suspicious of one anothers doing: but God being faithfull he will not deny himselfe, and therefore he will not suffer the profanation of his name to be vnpunished: also at the

last

last day, when the secrets of all mens hearts shall be opened, then the truth and your owne consciences shall accuse you, and Christ the righteous Iudge shall iustly condemne you to euerlasting death and damnation. For this sinne of periurie God by his Prophet hath threatned to punish: Wherefore let us pray vnto God that we may vse such oathes as be godly and lawfull, that is, that wee sweare not rashly, in trifles, or in matters of no weight, but when it is needefull and necessarie onely: also that wee doe consider the end, that our oathes may serue to the honour of God, and to the boulting out and testifying of a truth. And thus hauing put you in minde of your duties and oathes, the which I trust you will diligently weigh and consider, in the performing and doing the same to the comfort of your consciences: I will proceede no further therein, but declare vnto you the Articles of your charge.

The charge of Court Leet.

1 YOu must vnderstand, that high Treasons, petty Treasons, and Felonies, which are against the Crowne and dignity, are to be enquired of, and presented in Court Leet, but not punishable there.

2 The which offences ought to bee set downe

bowne in writing and indented, the one part to remaine with the Steward the other with the Iurie, and the same must be deliuered to the Iustices of the Assises at the next Gaole deliuery holden within the Countie. See Stamford in his Pleas of the Crowne lib. 3. cap. 34. fol. 85. 86. & 87. And M. Lambert in his Iustice of peace, lib. 4. cap. 6.

3 First you shall enquire of high Treasons, as if there bee anie among you which doe compasse, imagine, or intend the death of our Soueraigne Lord the King: and doe vtter the same words by writing, or by any other open act: or if anie goe about to make warre against him: or if anie bee adherent to anie of his enemies.

4 If any counterfeiteth, clippeth, fyleth, washeth, or otherwise falsifieth the money of this realme, or the coyne of any other realme which is enabled to bee current within this Realme.

5 Or if any counterfeiteth any of the kings Maiesties Seales, as the great Seale or Stampe, these are high Treasons.

6 Also counterfetting of the Kings Seale, is to take ware printed with the Kinges seale, and to fasten it to a writing not made by the King, these are to be enquired of here as Felonies and to bee certified as afore-

said,

ain, Raſtall, Treaſon 26. 5. Eliz. cap. 11. pur clipping, waſhing, &c.

7 Alſo if any kill his Maſter or his miſtreſſe: or if a Prieſt or other religious man kill his Ordinarie, this is pety Treaſon and to be enquired of here as Felonie, 25. E. 3. cap. 2. Raſtall, Treaſon 1. Pety Treaſon.

8 And if any woman kill her Husband, it is pety Treaſon, and it is to bee enquired of as felonie, 19. H 6. fol. 27. A woman to kill her husband is pety treaſo.

9 Alſo cutting out of a mans tongue, and putting out his eyes of malice, is felony, and to be enquired of here. Felonies.

10 Alſo murther is, when any out of malice prepenſed, or forethought doth kill another, feloniouſly, and it is to bee enquired here as bloudſhed. Murder.

11 Alſo Manſlaughter as a treſpaſſe is here to bee enquired, that is to ſay, when the place is not appointed to fight, but ſuddenly they mete together, and the one killeth the other as they mete by chance: alſo it is to bee enquired heere for bloudſhed. Manſlaughter.

12 Alſo if one kill another in defending himſelfe, he ſhall loſe his goods. In defending himſelfe, and killing by misfortune.

13 The ſame law is where one killeth another by misfortune, &c. Stamford 15. a.

14 Alſo you ſhall enquire of rape, which is if a man ravith any woman againſt her will, Rape.

bee

bee she wife, widdow, or maide, though she ... terward consent vnto it, it is felonie. ... shall enquire also of their aiders, for th... shall bee iudged Rauishers as well as ... that did the deede, 22.Ed.4.fol.22.

Burglary. 14 Burglars are those which in the ti... of peace, or in the night time with a felon... ous intent to rob or kill, doe breake any ho... ses, Churches, walles, or gates. and ent... into them: this is burglarie, and here to ... enquired of, Stamf.fol.30.B,

Robberie. 15 Robberie is when a man taketh a... thing from any other person feloniously ... though it were but the value of a penny, thi... is felonie, and to be enquired of.

Burning of house or barne. 16 Also the burning of a house felonious... ly, is felonie.

17 Also burning of barnes, adioyning t... a house in the night, is to bee enquired of, 11.H.7.1.

Robbing of Churches. 18 Also robbing of Churches or Chap... pels, and taking any ornaments out of the same feloniously, is felonie, and to bee en... quired of.

Rescue. 19 If any rescue any which is taken for fe... lony, that is felony, & here to be enquired of.

Taking of Doues. 20 Also taking of Doues in a Douehouse in the night time with a felonious intent, is felony, and here to be inquired of.

Young Pigeons. 21 Also taking of yong Pigeons, or yong

Goshawkes

Goshawks in their nests, is Felonie, and here is to be enquired of. Young Goshawks.

22 Also taking of fish feloniously out of ponds, stewes, or trunkes, here is to bee enquired of. But if the same bee taken out of a riuer, there it is no felony. Taking of fish.

23 Also the taking of tame Deere with a felonious intent, is felonie. Taking of tame Deere.

24 The same law is for taking of Signets, Swans marked, Peacockes, and the same is to be enquired of. Signets, Swans, Peacockes.

25 Also if any receiue a Felon, knowing of the Felony which hee hath done, this is felonie and here to be enquired of. Receivers.

26 And note that all other Felonies which be felonies by the common law are heere to be enquired of.

27 Accessaries are enquirable, and that is, if one procure or commaund another to doe a Felonie, but is not present when hee doth it: this procurer or commaunder is accessarie. Accessarie.

28 Also accessarie after felonie is done, is where one receiueth a Felon, knowing of the felonie. Accessarie after felony done.

29 Escape voluntary is where one arresteth another for felonie, and after suffereth him to goe whether he will, this is Felony, and also to be enquired of. Escape voluntaric.

30 Escape negligent, is when one is ar- Escape negligent.

rested for felony, and after escapeth against his will that arresteth him and if he bee not freshly pursued and taken before they that doe pursue lose the sight of him, hee that should haue kept him, or his Goaler, shall loose a grieuous fine, and hereof enquire.

Pety Larceny. 31 Pety Larceny is taking any thing with a felonicus intent, under the value of xx.d. as hens, geese, pigges, or small things out of windowes, and those things are to bee enquired of.

Escheate. 32 You shall vnderstand that the Lord of whom the Land is holden, shall haue the lands by Escheat, where the tenants bee attainted of pety Treason or felony, and the King shall haue the Lands a yeare and a day, and the waste of it, per magnam Chartam, cap. 22.

33 And therefore you shall enquire what Lands and tenements those persons so offending haue, and what goods for the King, except the Lords haue Felons goods by the King his graunt, 9. H. 4. fol. 23.

34 Also you shall vnderstand that those matters in the charge aforesaid, are to be enquired of, & presented as aforesaid, but not punishable here, but they are to bee certified by the Steward in sessions as aforesaid. But the rest of the matters of the Charge which

ensue

ensue, are enquirable and presentable, and be also punishable here in Leet, but not cersed as the other were.

1 Those things which hereunder follow, are to be presented in Leet, and also to be punished there.

2 FIrst you shal enquire if al your Constables, Headboroughs, Deciners, and all other suiters, which owe any suite hither, bee here, or not, and present all their names that make default. Constables, Headboroughes.

3 Also if any haue dwelt within the Lordship the space of a yeare and a day, and bee of the age of xii. yeares, and not sworne to the King to be true and faithfull, this is enquirable. Of the age of xii. yeares.

4 Also you shall enquire if any of the Lords villaines bee fugitiues, and remaine elsewhere out of the Lordship, and be not in the auncient demesne of the King a yeare and a day, present the same. Villaines.

5 Also you shall enquire if any customes or seruices due to this court, be holden backe, how, by whom, and in what Baylifes time the same was, and present the same. Customes & services.

6 Also you shall enquire if any purpestures be made vpon the land, wood, or water, with Purpesture.

blockes, ſtakes, ditch, hedge, or by, or with any other thing done to the annoyance of the people, that is to ſay, to the multitude, and not onely to one.

Walles, houſes pales or hedges.

7 Alſo if any walles, houſes, pales, or hedges bee made or erected to the annoyance of the people, this is to bee preſented.

High waies waters, ditches, or pathes.

8 If any common Highwayes, waters, ditches, or paths be turned out of their courſes, it is to be enquired of.

Encroachments.

9 Alſo you ſhall enquire if any encroachments be made on the Kings high wayes, or anie of the Lords Soile common, or one neighbour upon another, and preſent it.

Layſtals. Carrion.

10 If any Layſtals be made, or any carrion be caſt in high wayes to the annoyance of the people, this is enquirable.

Make fraies.

11 Alſo if any commonly breake the peace, as making of frayes in diſturbance of the people, this is enquirable.

Common Barretors.

12 Alſo if there be any common barretors in the Lordſhip, as ſcoulders or brawlers, to the annoyance and diſturbance of their neighbours, preſent their names.

Breakers of Pownd.

13 Alſo if any breake the common pownd, to take a diſtreſſe out of the ſame, preſent their names.

Outcries againſt the Law.

14 Alſo if any Outcries bee made againſt the lawes in diſturbance of the people, if

is to be enquired of.

15 Also if any rescous bee made within the Signiorie vpon the Sheriffe or his Baylifes, or vpon anie of the Kings Officers, in disturbing of them to take any person to bee arrested, it is to bee enquired of. Rescous made against the Sheriffe or his officers.

16 You shall enquire, if anie Eauesdroppers which stand vnder walls or windowes, by night or day, to heare tales and to carrie them to others, to make strife and debate betweene their neighbours, present their names. Eauesdroppers.

17 Also if there be any common breakers of hedges, present their names. Breakers of hedges,

18 Also if any keepe and maintaine anie bawderie, in their houses, it is cause of breaking the peace, and it is a vice that corrupteth the common weale, and for that cause it is here to be enquired of. Keepers of Bawdry.

19 Also if there be any vagabounds, or those which walke by night, and keepe in the day. Vagabonds.

20 Also if there bee any that bee common haunters of Tauernes or Ale-houses, hauing not sufficient to liue vpon, they are to be enquired of. Haunters of Tavernes or Alehouses.

21 Also if one goe on message for thieues, it is to be enquired of. To goe on message for Theeues.

22 Also you shall enquire if any person haue watered any hemp or flax in any riuer, running

For corrupting the waters.

ning water, ſtreame, or breke, in any common pond where beaſts doe vſe to drinke, they ſhall forfeite for euerie time ſo doing xx. s. the one part to the partie grieued, or any other which will ſue for the ſame in the Leet, by action of debt, bill, plaint, information, or otherwiſe, and preſent the offendors.

This offence is not inquirable in the Leet, but may be puniſhed there, upon the action or informatiõ of any againſt the offendors: For which, ſee the Statute 33. H. 8. cap. 17. But upon a preſentment of the Iury in the Leet, of ſuch an offence the penaltie cannot bee levied, but the offendor may bee amereed there for the annoyance, and the amercement eſtreated, and ſo levied.

False weights.

23 Alſo if any haue and vſe any meaſures of Buſhels, gallons, yard, or eine, or falſe ballances or pounds, they are to be enquired of.

Double weights.

24 Alſo if any vſe double pounds, or meaſures, that is to ſay, one little or ſmall weight to ſell by, and a greater to buy with, in deceiuing the people, the ſame is to be enquired of.

Aſſiſe of Bread and Ale.

25 You ſhall alſo enquire of the aſſize of bread and ale, that the ſame be kept, that is to ſay, that euery one ſell according vnto the rate and price of graine, and that the ſame be made wholeſome for man, and hereof enquire

26 Also if tiplers sell by cups or dishes, or measures vnsealed and not sealed, it is enquirable. Tiplers.

27 Also if Butchers, Fishmongers, or other victuallers sell any corrupt victuall, not wholesome for mans bodie, it is enquirable: also that all other, that sell victuall, if they sell the same at a reasonable price, and not be excessiue, hauing regard to the prices how victuals bee sold in places nere thereabouts, and hee that is conuicted, shall pay double that hee hath receiued to the partie damnified, and the same to bee enquired of. Butchers & all victualers doe sell wholesome meat at a reasonable price.

28 Also that hostlers doe not sell hay, nor oates, but at reasonable prices, and that they doe not take for the bushell, but a halfe penny ouer the common price in the Market and that they take nothing for the litter, and this is enquirable. Hostler for selling his hay and oates.

29 An Inkeper may bake his bread for Horses in his house, in any through-fare towne which is no Citty, where no common Bakers dwell, and if he bake and not make the same according to the prices of graine, it is to be punished in Leet. Inkeeper may bake his bread.

30 Also if any Inkeper or other person, harbour any suspected persons, perceiuing them to be of euill behauiour, it is to bee enquired of. Harbouring any suspected person.

Millers. 31 Also if Millers take an excessiue toll, it is to be enquired of, and hee ought to take for toll but the twenty of the foure and twentie graine, according vnto the custome, and according vnto the strength of the water.

32 Also if the Miller within the Lordship change the graine which he hath ground, it is enquirable.

Artificers. 33 Also it is to be enquired, if all the Artificers doe make good worke as they ought, and if any make deceit in the same in deceiuing of the people, you ought to present their names.

Misd-meanor of Officers. 34 Also if anie Constable, Ale-Taster, Bayliefe, or any other Officers within this Lordship, haue well and truely done their office or no, it is to be enquired of.

Purveyor. 35 Also no Purveyor shall make anie purueyance for the Kings house, of anie thing to the value of fortie shillings, or vnder, except hee make readie payment to the partie, vpon paine of loosing his Office, and to pay the value to the partie grieued: and if hee doe the contrarie, if the Stelward or Tythingman, vpon complaint to them, make no resistance to the Purueyor, they shall forfeit to the partie grieued, the value of the thing taken, and double dammages, and this is the misdemeanour of those Officers, and those misdemeanors,

and

of all other, such Officers are enquirable.

6 Also the constable ought to see the peace & watch to be observed as it ought. Peace and watch.

7 If any treasure be found, that is to say, hid in the earth, and no man knoweth who is the same, this is the Kings, except the Lord haue the same by speciall words, or by prescription. Treasure found.

8 If any Estrayes be, they are enquirable, and that is, if any Horse, Bigges, Hogs, Cattell, or Swannes, which haue come into this Lordship, and haue beene there a yeare and a day, and not claimed, then the Lord may haue the propertie of the same by prescription, but the same ought first to bee impounded in an open pound, proclaimed three markets next adioyning, and if none claime them, then they shall be seased, and ought to be put into some seuerall land, and not in any couert or wood, where the owner cannot finde them, for if they bee in couert, the propertie is not changed, though they bee there a yeare and a day. Estrayes.

9 Also you shall enquire whether anie Theefe vpon hue and cry, or otherwise doth waiue his goods, that is to say, doth leaue or forsake his goods, or any parcell of them, which he hath stolne, by reason whereof the King is seised thereof, or the Lord by the grant Waife.

graunt of the King, such goods are call[illegible] waifes, and therefore present the same, [illegible] so if any Officer seaze upon anie thee[illegible] goods: though there bee no pursuite ma[illegible] in these cases, the king or the lord, by gra[illegible] or prescription shall haue these goods, &c.

Hee that flyeth,

40 If any fly, that is to say, if any be fou[illegible] by inditement guiltie of murder before t[illegible] Coroner, or if hee be indicted of Felonie, a[illegible] acquitted, & found that he flyeth, then he sh[illegible] forfeit his goods to the King, & the Lord m[illegible] haue them by Charter, and not by prescri[illegible]tion, and this is enquirable.

Horse or mare scabbed.

41 If any Horse or Mare bee put vpon [illegible] wast ground and be scabbed, and hauing [illegible] infectious disease, he shall forfeit to the L[illegible] of the Leet ten shillings, and this is enqu[illegible]rable.

Exigent.

42 If any exigent be awarded against o[illegible] endicted of felony, by the keeping of h[illegible] goods, they are forfeite, though after hee [illegible] acquitted of Felonie, and the King shal ha[illegible] his goods, and the Lord by Charter, and n[illegible] by prescription without Charter, and this i[illegible] enquirable.

Outlawed.

43 If any bee outlawed in debt, trespass[illegible] or other personall action, his goods bee fo[illegible]feited, and the King shall haue them, and no[illegible] the Lord, except it be by Charter, and not b[illegible] prescription, and this is enquirable.

44. Als[illegible]

44 Also you shall enquire if the common fine haue beene here to be payed according to the custome, and whether the same be gathered according vnto the usage. This is commonly gathered by the Headborough. Common fine.

45 Note that euery one that hath view of frankpledges, ought to haue Pillory & Tumbrell to doe Iustice: Also in euery Towne where there is a Leet, there shall be stockes and for default thereof the towne shall forfeit nine pounds, and the same is enquirable. Stockes.

46 Also you shal enquire whether any haue vsed in any of their garments, velvet, satten, damaske, taffata, sarcenet, chamlet: or any fur, as foines, ienets, martin squirrill, fox, gray cony, hare: or other furs growing within this Land, or gold, or siluer, in or vpon any of their garments, otherwise than the statutes made in the 24 yeare H. 8. and 1. and 2. of Ph. and Ma. doe allow, you shall present the offendors. Apparell.

47 Also you shall enquire whether any baker, brewer, butcher, cooke, tipler &c. doe take excessiue gaine or no: also whether they conspire, couenant, promise or make any oath not to sell victuall but at a certaine price, and present the same. Victualers.

48 Also you shall enquire if any artificers, workemen, or labourers, haue conspired, promised, or made any oathes, that they will not Artificers.

make

make or doe their worke but at certaine p
ces, or not to finish that which another h
begun, or would doe but certaine worke i
day, present them, for they shall forfeit c
taine penalties 24. H. 8. cap. 12.

Archers. 49 And you shall enquire if anie m
being the Kings subiect, not lame or ma
med, nor having any lawfull impedime
being within the age of threescore yeares, e
cept Spirituall men and Iustices, doe
and exercise shooting in long Bowes, a
whether the fathers and mothers of such
bee vnder xvii. yeares, doe bring vp the
children in the knowledge of shooting: a
whether euerie man childe of seuen year
and vpwards, haue a bow and two shaft
if they haue not their Gouernours shall fo
feit certaine penalties: present therefore su
offendors.

Buttes. 50 Also you shall enquire if the Buts be
made and continued, and if your buttes be
not made or continued, ye shall forfeit for e
uery three months for default thereof xx.s.

Tanners, Curriers, and tanned Leather. 51 Also you shall enquire if any Tanner
haue offered to be sold any hide of Bull, Ore,
Steere or Cow, galled or cut, he shall forfeit
for euery one twelue pence.

Curriers. 52 Also no Currier ought to currie anie
Leather in a Shoo-makers house: and none
ought to currie any Leather vnill tanned.

53 Also

53 Also you shall enquire if there bee any Crownets, if there bee not, the Lord shall haue the moitie of ten shillings, which shall be forfeited by the parish or towne for not hauing the same. Also if they destroy not the Crow nests when they begin to breede, they shall be amerced. Crownets, & Crow nests.

54 Also you shall enquire if any person by any meanes, haue taken and killed anie young brood, Spawne, or frie of Salmons, Eeles, Pikes, or any other fish, in any stream riuer, broke, floudgate, or in the taile of any Mill, and present the offendours. And further, when any person hath taken in any of the places aforesaid, any Salmons or Trouts out of season, or any Pikes or Pikrels, not being in length ten inches, or any Barbel, not being in length twelue inches, or anie Salmons not sixteene inches, or Trowts not eight inches long: if any haue done so, they shall forfeit certaine penalties. For the taking and killing of fish.

55 Also you shall enquire if any breake by day or night the head or dam of any pond, poole, or moate, within which the Lord hath fish. to the intent to scatter, steale, and destroy the fish, hee shall pay to the Lord treble damages, and shall bee imprisoned three months, and after finde sureties for seuen yeares of his good abearing. Breaking the head of any pond.

59 Also

Hunting of Deere.

56 Also you shall enquire if any doe hunt Dæere out of the Lords ground, or kill any of his Dære, and present them.

Unlawfull games.

57 Also you shall enquire if anie person doe keepe or maintaine any common house, alley, or place of bowling, quoites, cattes, tennise, dycing, tables, or carding, or any other unlawfull games, and present them: & if they doe, they shall forfeit certaine penalties: also you shall enquire if any person doe haunt the said houses and places: and further, you shall enquire if your constables and other officers doe make true search in such places which bee suspected to bee frequented with any unlawfull games, yea or no, if they doe not, they shall forfeit certaine penalties, you shall therefore present such offendors, 33.H.8.cap.9.

Horses.

58 No stoned horse being of the age of iii. yeares, except he be fourteene handfuls high shall be put to pasture in any common, forrest or chase, upon paine of forfeiting the same horse: also the said grounds ought to be yerly driuen at Michaelmas by the Lord, Thythingman, Constable &c. or within xv. dayes after, upon paine of xl. s. & if upon the same driuing there be found any mare, sole, or gelding not likely to be able to beare soles, or to doe profitable seruice, the same shall bee slaine and buried, 32.H.8.ca,13.

59 Also

59 Also you shall enquire if the inhabitants after robberies and felonies committed, doe make fresh suit from town to town, or from county to countie, or from hundred to hundred, according to the Statute of Winchest. 13. E. 1. ca. 2 For if a man bee robbed in the day time, and the theefe escape, and is not taken within forty dayes after the robbery, for lack of hue & cry: the borough or hundred shall answer to the party all his goods and dammages: also if any person be killed in a towne in the day time, and the Murderer or manslayer escape, not taken or arrested by those of the Towne, then the townehip shall be amerced, 18 E. 2. Hue & cry.

60 Also you shall enquire if your Constables and Churchwardens haue appointed any surueyour for the mending of Highwayes, leading to Market Townes, or no, and if any chosen refuse the same office, he shall pay xx. s. also you shall enquire whether the same surueyours haue taken vpon them the said office, and put the same in execution: and whether the Parishioners haue done their duties and present all those that haue offended contrary to the same statute, for the offendors shall forfeit certaine penalties. For the amending of Highwayes.

61 Also you shall enquire if the ditches bee scoured, and bushes cut, according to the statute,

Scouring of ditches, and cutting of hedges.

tute made in the first yeare of Qu. Elizab
for not doing the same, they shall forfeit
shillings.

Nota.

62 The moity of all these forfeitures
these statutes, the Churchwardens shal
to bestow vpon the highwayes.

For watering hempe or flax.

63 Also you shall enquire if anie per
haue watered any hempe or flaxe in anie
uer, running water, streame, or brooke,
other common pond where beasts doe
to drinke, they shall forfeite for everie ti
so doing xx. s. the one part to the par
grieued, or any other which will sue for
same, and the statute 33. H. 8. cap. 17. d
giue a remedie to sue for the same in Le
by action of debt, bill, plaint, or informati
or otherwise.

Musters.

64 Also you shall enquire whether any
fuse to come to musters before any person
thorised to take the same, he shall bee imp
soned for x. dayes, except hee pay to the K
xl. s. & if any person appointed to take m
sters, receiue any money to release any
pointed to serue, hee shall forfeit ten times
much as that he receiued, 4. & 5. P. & M. ca.

Ryots.

65 If any persons to the number of
make an vnlawfull assembly, for to brea
any bankes, inclosures, parkes, fish, pon
barnes, houses and such like, and proclam
tion bee made by the Sheriffe or Justices

Yea

Peace that they depart, and notwithstanding they remaine together an houre after proclamation made, euerie such attempt is felonie: also euery Copiholder being a yeoman, husbandman or labourer, of the age of eighteene yeares, and vnder threescore, not sicke, nor hauing a reasonable excuse, and being required by the Iustice, Sheriffe &c. to apprehend those persons aforesaid, and refuse, shall forfeit his estate during his life, and his Lord may enter: also the Farmer, being a yeoman, &c. refusing, is in the same case to the Landlord: also it is felony, if any person without compulsion, bring, send, or deliuer any money, harnesse, artillery, weapons, or victuals to any person assembled in such manner. Also the Iustice of Peace, or other officer may raise a power to suppresse them: and if any Officer kill anie such rebellious persons, or maime them, they shall bee free, and if any person know of any such pretended rebellion, and doe not openly declare the same within twenty houres next after such knowledge, hee shall bee imprisoned for three moneths without baile or mainprise, if he be not discharged by a Iustice of Peace: also he that letteth or hindreth that Proclamation that the same bee not made, committeth felonie.

23 Anno quinto Eliz. cap. 1. If any extoll

Of the King and assurance of his power.

or set forth the authoritie of the Bishop of Rome against the forme of this statute, hee shall incur the danger of a Præmunire, and this statute is to be declared in Leet.

Tracing of hares.

68 None may trace, destroy, or kill a Leuret in the snow with a dog, or otherwise, and he that doth it, shall forfeit fiue shillings eight pence, 13. H. 8. cap. 11.

Licences for Wine.

69 Also you shall enquire if those persons which doe sell wines bee thereunto licensed, according vnto the statute made in the eight yeare of Ed. 6. &c. vpon a grieuous paine and forfeiture, and for euerie day occupying or selling of wine without licences. Also you shall enquire how many there are licensed, and present them. Of this and all other matters and defaults, you shall diligently enquire and make a true presentment.

Then after the charge is given, the Steward shall commannd the Crier to make Proclamation, and after proclamation made three times, the Steward shall say:

IF any can informe the Steward, or this enquest of any petty Treason, felony, petty Larceny, purpresture, breaking of pounds, or of Rescous, or of any other thing done against the peace, or of any person of euill behauiour

haviour within the Leet, or of any artificer that doth make deceipt, or of any other misdemeanour of any Officer or other person here, or of any waife, or stray, treasure found, or of any other thing here to bee enquired of: come in, and you shall be heard.

Then if any come in, he shall be sworne to give evidence to the Iury: And after that the Steward shall say to the Enquest.

GOe you together and enquire of the matters of your charge, and when you bee agreed, I shall bee readie to take your verdict.

An addition of divers other matters enquirable in Leets, not mentioned in the former edition.

1 IT is lawfull to all Stewards and Bayliefes in their seuerall Leets, and Lawdayes, to enquire, heare, and determine euery offence committed contrary to the tenour of the Statute made 33. H. 8. concerning crosbowes and hand-gunnes, so that alwayes no lesse fine then 2. l. be assessed vpon euery such presentment and conuiction, the one moitie of euery such fine to bee leuied to the vse of the king, and the halfe of the other moity to

Crosse-bowes and hand-guns.

the owner of the Leete or Law day by di
ſtreſſe, or action of debt and the other halfe
the ſaid moity to be to the party that will pur
ſue for the ſame in any of the Quænes court
by action information, &c. wherein no matte
of law, eſſoyne, protection, &c.

2 And if anie Jurie ſworne and charge
to enquire for the King, of anie offence
committed contrarie to the ſaid Statu
doe willfullie conceale any of the ſaid of
fences: Then the Stewards, or Bayliffes
before whom any concealement ſhall be ha
haue authoritie, to charge and ſweare an
ther Jury of twelue or more, to enquire
ſuch concealement: and if ſuch conceal
ment bee found and preſented by the ſa
Jurie, then euery of the firſt Jurie ſha
forfeite for euerie ſuch concealement
euery offence twentie ſhillings, the o
moitie to bee leuied to the owner of t
Leet or Law-day by diſtreſſe, or action
debt, and the other to the Informer to b
recouered by Action, Information, &c. wher
in no Wager of Law, Eſſoyne, Pro
ction, &c.

3 But if the preſentment or ſuit for any
the ſaid forfeiture bee not commenced wit
in one halfe yeare next after the offence co
mitted, then the offendor ſhould bee there
clearely diſcharged. 33. H. 8. 16.

4 For

4 Lords in Leetes, and their Stewards, within the precinct of their Leets, haue authoritie to enquire and take presentment by the oath of Iurors, of all and euery offence and offences committed contrary to the Statute 31. Eliz. touching the erecting and maintaining of Cottages, and Inmates, and vpon presentment made to leuie by distresse to the vse of the Lord of the Leete all such summes of money as shall bee forfeited by the Statute of 31. Eliz. cap. 7. Cottages. Inmates.

5 The Steward in euery Leet shall haue full power and authority to enquire, heare, & determine as well by presentment of twelue men, as by accusation or information of two honest witnesses, of fact, and vpon all & euery the offences and forfeitures committed (contrary to the statute prouided, 2. Ed. 6. for the true making of malt) as well for the King as for the party that shall sue procure, or cause the same to bee presented, 16. Ed. 2. 35 Eliz. 7. Malt.

6 Stewards of Leetes, Liberties, and Law-dayes within their seuerall iurisdictions shall and may heare, enquire, and determine of all and euery offence and offences which shall bee committed within the precinct of their Liberties, Iurisdictions, or franchises against the tenor of the act made,

An. 23. Eliz. 6. for the preseruation of Feasants and Partridges, 23. El. 10.

Horsebread

7 Stewards in the Leetes and Lawdayes, haue authority to heare and determine euery default and offence of Poulters, or Inholders making Horse bread not sufficient, lawfull, and of due assise, according to the price of Corne, committed within the limits of their iurisdiction, contrarie to the Statute in that case prouided 32. Henric. 8 41.

Fish.

8 The Lord of euery Leet hath authoritie to enquire of all the offences committed contrary to the purport and forme of the Statute prouided (1. Eliz. for the preseruation of spawne and frie of fish) within the precinct of the said Leet, such enquirie to bee had in manner and sort as common amerciaments, or other things enquirable in Leets haue been lawfully used to bee made, and vpon euery such presentment had in any Leet Court by the oath of twelue men, of any offence made contrary to the said Statute, all forfeitures appointed for such offence, shall bee vnto the Lord of the said Leet, and shall bee leuied as amerciaments for frayes committed within the precinct of such Leet, haue beene used to be leuied. And if the Steward of a Leet, or some other for him, doe not charge the Jury

sworne

swoꝛne in euery Læt, to enquire of all offences done within the pꝛecinct of the same Læt, concerning the killing of spawne oꝛ frie of fish, kepper, shedder, oꝛ salmons, oꝛ trowts, pickrell, salmon-trowt, oꝛ barbell, being not of lawfull length. And concerning the mash of nets and other engins, hee shall foꝛfeit foꝛ euery offence xl. s. to the King, and him that will sue foꝛ the same.

9 Also if any Iurie swoꝛne in a Læt hauing charge to enquire of the pꝛemises, doe willingly conceale and make default in pꝛesentment of the offence and offendoꝛs, then the Steward, oꝛ Bayliefe, oꝛ their deputie, may impanell another Iurie within the same Læt to enquire of such concealement, which being found, euery of the Iuroꝛs so concealing shall foꝛfeit xx. s. to the Loꝛd of the Læt foꝛ euery offence.

10 Sauing alwayes to all and euery person and persons, bodies politick and coꝛpoꝛate and euery of them all such right, tiltle, interest claime, pꝛiuiledge and conseruation, and enquiry, and punishment, of and foꝛ anie the offences afoꝛesaid, as they oꝛ any of them lawfully haue and enioy, oꝛ of right ought to haue and enioy by any maner of means, any thing &c. notwithstanding. 1. El. 17. 35 El. 7.

Finis de le charge de
Court Leet.

THE ORDER
of keeping Court BARON.

The Stile of the Court.

Overstoy. *CVria Baronis M. L. ibidem tenta die Martis, videlicet decimo quarto die Iunij, annis regni Iacobi Dei gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis fidei defensoris &c. viz. Angliæ, Franciæ, & Hiberniæ secundo, & Scotiæ tricesimo octavo, tent' per Seneschallum.*

After the stile of the Court entred, you shall cause the Baylise to cry once Oyes, and then call the Jurors.

Examp.	Iohn Doe, Richard Roe, Iohn Den, Richard Fen, Walter Hallē, Robert Allen.	*Iuratores*	Rob. Dodge, Tho. Lodge, Adam Clarke David Parke. Henry Loe, Will. Croe.	*Homage.*

After the Jury is called, the Baylise shall crie another Oyes, and then the Steward shall say.

If any will be essoined or enter any plaint, come in and you shall be heard.

The Essoines be set before the homage, in M. Kitchins booke, and better than here, for first

firſt ſhould the ſutors be called, and their appearance, defaults, or eſſoynes, bee recorded, before it can be knowne who did appeare to make the homage.

And after the eſſoines be entred, and your plaints and pleas thereto made, then impanell the Jury and ſweare them.

After the enqueſt is impanelled and ſworn, make another Oyes, and ſay, You good men which be of the Juris, come neare, & you and all other keepe ſilence during your charge.

An exhortation to the Iurie.

MY maiſters, you that bee ſworne: before I give you charge in this Court Baron, I thinke it good to declare vnto you by what authoritie you are commaunded to bee heere, and for what cauſe. Chiefly, you are appointed to bee heere, for that you bee the Lords Tenants, and are bound by reaſon thereof to appeare at the Lords Court Baron, when it ſhall bee kept according to the Law, that is to ſay, at euery three weekes end, being warned, and being by the ſame authoritie there, to end and determine iniuries, treſpaſſes, debts, and other actions, where the debt or dammage is vnder ſortie ſhillings: and alſo that nothing be done within the Manour, hurtfull to the inheritance of

the

the lord of the manor, which ought to bee e
quired and presented for the Lord: & that y
be the more diligent and careful in enquirin
and presenting the same, I have ministred
oath vnto you, which is the calling or tak
to witnesse of God his name, to confirm
the truth of that you shall say, and presen
minding neither fraud nor deceit, but onel
the truth, not partiall, but seeking the gl
rie of God, and the profit of your neighbour
and the common-weale of God his people.

The Charge.

FIrst, you shall enquire of the suitors
which owe anie suit to this Court, whe
ther they bee heere or no, and present thei
names that make default: for they which bee
absent ought to bee present heere as well a
you, except they haue some lawfull impedi
ment to the contrarie, for they hold thei
lands, as well to doe their suite, as to pa
their rent, so that if they doe not their su
they shall be amerced, or the Lord may hau
good remedie for the same: otherwise yo
shall vnderstand, that euery common suito
is bound by the Lawes to appeare at th
Lords Court Baron at euery three weeke
end: notwithstanding, the Lord for your eas
(which hee esteemeth more than his owne
profit)

The tenants are bound to appeare at euery 3. weeks end at the Lor Court Baro.

profit) sufferety the same to be kept but seldome, as appeareth, for which cause euerie of the tenats ought the more willingly to come vnto his Court at such times as he doth appoint for the same: for if they willfully absent themselues, then they render euill for good, and besides that, they incurre the danger of periury, for when they did their fealty, they were sworn to be true tenant vnto their lord, and to pay, & do all maner of suites, customes, and seruices due for their tenements, at their day assigned, and therefore let euery man remember his oath and duty, and doe his suites and seruices according to the same, or else he shall fall into the danger aforesaid.

2 Next you shall enquire whether there be any Tenant dead sithence the last Court day, or before, whose death as yet is not presented, and you shall present the same: also what lands and tenements bee held of this Lordship at the time of his death, and by what seruices, that is to say, whether it were by Knights seruice, soccage tenure, or Copiholde, and what aduantage the Lord shall haue by his death, as Ward, Marriage, Reliefe, Escheat, Fine, Heriot, &c. And who is his next heyre, and what age hee is of, and in whose keeping, and present it. You shall vnderstand there bee diuers manner of Tenures, but most men doe hold by knights

What tenants are dead since the last Court.

What land he holdeth, & by what service.

Also who is next heire.

knights ſeruice, or ſocage tenure.

Knights ſeruice what it is,

3. Knights ſeruice is when the Tenant holdeth of the Lord by Eſcuage, that is to ſay, by the ſeruice of the ſhield: alſo to hold by caſtle gard, that is to ſay, to keepe a Caſtle, or Tower, or Doore, or other place of his Lords vpon reaſonable warning, when the Lord heareth that enemies doe come into England, that is knights ſeruice.

Homage, fealty and Eſcuage, knights ſeruice.

4 Alſo he that holdeth by homage, fealtie, and eſcuage holdeth by knights ſeruice: alſo hee which holdeth of his Lord to blow a Horne, to warne the men of that countrey when enemies doe come into England, holdeth by knights ſeruice: and knights ſeruice ought alwayes to bee done by the body of a man, and that ſeruice draweth vnto it, ward, marriage, and reliefe: for when ſuch a tenant dieth ſeiſed, & his heire male within age, and vnmarried, the Lord ſhall haue the land holden of him, and alſo the marriage of him, vntill he be of full age, that is to ſay, the age of 21. yeares. But if ſuch a tenant died ſeiſed, his heire female being of the age of fourteene yeares or more, then the Lord ſhall neither haue the Wardſhip of the Land, nor yet of her body, for that the law intendeth, that a woman of that age may haue a husband able to doe knights ſeruice: and if ſhe be within the age of 14. yeares

Knights ſeruice is done by the body of man.

Knights ſeruice draweth vnto it ward, marriage, and reliefe.

and

and vnmarried, then the Lord shall haue the wardship of her land, and also of her body, vntill she be of the age of sixteen yeares. And some such tenants doe hold by a knights fee, and some by halfe a fee. and some by more, and some by lesse: and if such a Tenant dieth which holdeth by one knights fee, and his heire being of full age, then the Lord shall haue homage and fealtie, and also fiue pound for a relæse: and of him which holds by halfe a knights fee ii. l. x. s. and hee that holdeth by more shall pay more, and hee that holdeth by lesse shall pay lesse, you shall therefore present whether any such tenant dyed seised of any such lands and tenements so holden, yea, or no.

5 Also you shall enquire whether any Tenant which held by knights seruice, made any feoffement to his heire, & after died, his heire being within age, yea, or no, for notwithstanding such feoffement the heire is to be ward.

6 And whether such Tenant made any alienation of any such land so holden, to anie person by collusion, to defeat the Lord of his ward, or other profits, yea, or no, and present that: for in all these cases the Lord shall haue the ward and marriage of his heire, and also of his lands, aswell as if the said Tenant had died seised of the same land.

Alienation by collusion and holding by knights seruice.

7 Also you shall enquire whether any such tenant

Feoffement a ſon uſe the land holde in knights ſervice.

Tenant which held by knights ſervice, did make any will of his lands, or conueyed any of them to his wife or children, or to friends to pay his debts, which notwithſtanding any ſuch will or conueyance the Lord ſhal haue the wardſhip of his heire, and cuſtodie of the third part of his lands. 34. & 35. H. 8.

Entry for condition broken.

8 Alſo you ſhall enquire whether the heire of ſuch Tenant, entred into any ſuch Lands ſo holden, for any condition broken, being made by any of his anceſtors, and preſent it.

Entry into Religion.

9 Alſo whether ſuch entrie in Religion beyond ſea now be not treaſon, and ſo the parties to forfeit the land to the king.

Diſſeſin of the tenant and death before any reentry.

10 Alſo you ſhall enquire if any Tenant which held by knights ſervice, was diſſeiſed of lands ſo holden, that is to ſay, put out of them by one which had no rightfull title to the ſame, and after died before anie reentrie, or any lawfull recouery, and preſent it, for the Lord ſhall haue the wardſhip of the bodie of the heire and of his land, as well as if his Tenant had died thereof ſeiſed.

What Sockage tenure is.

11 Sockage tenure is, as if the tenant holdeth of the Lord by fealty and certaine rent for all manner of ſeruices, or by homage and fealty for all maner of ſeruices, or by fealty onely for all manner of ſeruices: or to pay a ſum of money for eſcuage, or to pay a cer-

taine

aine summe of money for Castle Guard: all
uch tenures are Tenures in Socage: and
ll other tennres which are not tenures by
nights seruice, are tenures in Socage:
nd where such Tenants die seised of anie
nds so holden, the Lord of whom the land
s so holden after the death of his tenant,
an haue no more profite but onely his fealty
nd relieſe, that is to say, as much money
nd seruice as one yeares rent doth amount
nto: as if the Tenant held by fealty, and
en shillings rent, the Lord shall haue ten
hillings for a relieſe, ouer and besides the
en shillings which he shall pay for his rent,
in such case after the death of the Tenant.
uch relieſe is due to the Lord maintenant,
r immediatly vpon his ancestors death, so
hat the heire be the full age of 24. yeares,
nd he ought not to tarry for his relieſe vn-
ill the day of payment of the rent but hee
ught to haue his relieſe maintenant, and
or that hee may distraine immediatly after
he death of his Tenant.

Reliefe is as much money as one yeares rente.

13 Also if a Copiholder die sole seised of a-
y lands or tenements so holden, his heyre
eing of the age of xii. yeares, then he shall
ay a fine vnto the lord and doe fealtie, and be
dmitted Tenant: but if the heire be within
he age of 14. yeares, then some Garden shall
e admitted to occupy his copihold, and to pay

A Copiholder dyeth.

and

and to doe his ſervice due for the ſame, t
is to ſay, if Lands deſcend from the fath
then the mother or ſome of her next kin th
haue the occupation of the ſame lands, vnt
the heire be of the age of fourteene yeeres, a
they ſhall pay a little fine for the gardenth
and the heire at his entrie ſhall pay
whole fine: you ſhall enquire thereof a
preſent the ſame.

13 Alſo you ſhall enquire whether an
Tenant which held by Socage Tenure,
make any Feoffement in fee to his vſe, a
died ſeiſed of the vſe, his heire beeing with
age, and no will by him declared of the
and preſent it: for the Lord ſhall haue
reliefe, aſwell as if he had died ſeiſed of
ſame lands.

Whether any Free-holder hath alienated any of his frechold lands.

14 Alſo you ſhall enquire whether an
Freeholder hath alienated or ſold away
freehold lands or tenements, or any parc
of them, and preſent it: for hee which ha
bought the land, before hee enter, ought
come to giue notice vnto the Lord that h
hath bought the ſame, and ſo the Lord ſha
know his Tenant, and in caſe where
part is ſold, the ſeruice which the forme
paide vnto the Lord, ſhall bee apportion
according vnto the value of the lands ſo
and retained.

15 Alſo you ſhal enquire whether any whi
hel

held by Herriot ſeruice, or Herriot cuſtome, died ſeiſed of any lands or tenements ſo holden, and preſent it, for the Lord ſhall haue of euery of their ſeuerall parts diuers herriots at their ſeuerall deaths, alſo if one man haue two ſeuerall pardels of lands holden by herriot ſeruice, and by two ſeuerall titles, and dieth ſeiſed of the ſame, the Lord ſhall haue after his death two Herriots. Herriot ſeruice. Herriot cuſtome

16 Alſo you ſhall enquire if any Copiholder die ſeiſed of any lands ſo holden, and preſent it: Alſo whether anie Coppiholder hath made any leaſe of his Copihold, or otherwiſe alienes or ſold the ſame, and preſent it, for it is a forfeiture of his Copihold: for if a Copiholder will allien or ſell away his copihold, he ought to come into the court and ſurrender the ſame into the hands of the Lord, to the uſe of him which ſhall haue the eſtate, or elſe out of the court he ought to ſurrender it vnto the Bayliefe, or to ſome of the tenants of the Lordſhip, to the vſe of him which ſhall haue the eſtate, and they to whom the ſurrender is made, ought to preſent the ſame at the next court, and then pay his fine for the ſame, and take it to his vſe in the Court, and doe his endeauour to bee admitted, and if hee bee not at the ſame Court, then the Lord ſhall haue the meane profits of the ſame Lands, all the rent ſeruices Whether any Copiholder dieth ſeiſed of any ſuch lands. How a Copiholder ought to ſurrender his Copihold.

uices and reparations being deducted, vntill he be satisfied for his fine, according to his dutie.

Whether any Copiholder hath made any surrender.

17 Also you shall enquire if any Copiholder hath made any surrender of his Copihold, or any part thereof sithence the last court day, or before, and present it: and into whose hands it was made, and in whose presence, or to whose vse: for at euery surrender the Lord ought to haue a fine, and the partie into whose hands the surrender is made, ought to come to the next court & present the same, and to yelde vp and testifie the surrender into the Lords hands, to the vse of the alience, according vnto the trust reposed in him, or otherwise hee forfeiteth his Copihold, except hee haue a reasonable excuse: for that hee doth as much as he may to defeat the Lord of his fine, and also to defeat the other party to whose vse the surrender was made. Nor. The party that receiued the surrender had no right by it.

18 Also you shall enquire if any tenant of the Lordshippe haue giuen any lands into

Mortmaine.

mortmaine, and present it.

19 Mortmaine is, if a man giue or sell any lands to any house of religion, or to any other which be corporate by the kings graunt: also if one make a Feoffement vpon trust to the vse of an house of Religion, or to the vse

of

of a Guild, or fraternitie Corporate, that is Mortmaine.

20 Also if one exchange lands or tenements with an Abbot, or other body corporate, this is Mortmaine.

21 Also if a man of religion, or other bodie corporate, doth hold of any man by knights seruice, and he release vnto him, this is mortmaine, and then the King or Lord may enter, and shall haue the same by force of the Statute in that behalfe made, viz. the next Lord if he enter within a yeare after the alienation, or in the Lords default, the King: you shall therefore present them that haue giuen any lands or tenements in mortmain, and when the same was done.

A statute made thereof that the King or Lord shall haue the same.

22 Also you shall enquire whether any tenant for terme of life, or yeares, or any Copyholder of his Lordship hath made ante walk, or suffered any wast to bee done vpon their lands and tenements, yea or no.

Wast.

23 Wast is, when any Tenant for terme of life, yeares, or any Copyholder pulleth downe any house, or turneth downe any timber trees, or sufferety the house willingly to fall, being on their Copie Tenements, or if any of the tenants plow vp any meadow ground, or if they suffer any Wall or Pale which were couered, to be uncouered, by reason whereof the same wall or pale doth fall

What wast is, and how the same is done.

in decay, or if any of them dig coals, chalke, or sand, or make any mines in their grounds then they make wast. And if they fell a tree to the value of three shillings foure pence, this is admitted wast: But if a man cut down timber to repaire the old houses which stand upon parcell of the same ground, and therewith doth repaire them, then it is not wast: but if he with the timber build a new house, then the cutting downe of such timber is wast: Or if he cut downe any timber to sell, to repayre such houses which are fallen in decay, such is wast. But if wast bee done with a tempest, no Tenant shall bee punished for such wast: but if wast bee done by any danger, the Tenant shall be punished for such wast: Also it is no wast to fell in seasonable time such trees as haue beene felled within 20. yeares before: but if the Tenant cut downe such trees to burne upon their tenements, where they haue wood sufficient, this is wast. Also a Copiholder may not cut downe wood to sell, but he may to burne upon his tenement, or to make reparations as aforesaid.

Whether any tenant in possessiō died seised without any heire.

24 Also you shall enquire whether anie Tenant in possession or reuersion died seised of any Land or Tenements holden of this Lordship, hauing no heyre at the time of his death, yea, or no, and present it, for then the

Lord shall haue the land holden of him by escuage. You shall vnderstand, that none shall haue lands in fee simple as heire vnto any man, vnlesse he bee heire of the whol. blood: for if a man haue issue two sonnes by diuers women, and dyeth seised of the same Land, and the eldest entreth, and dyeth without issue, the youngest shall not haue the Land as heyre vnto his brother, because hee is of the halfe blood, but some other heyre of the Fathers side shall inherite the same Land, and if he haue no heyre on the Fathers side, then the next heyre on the mothers side shall not haue the Land, but the Lord of whom the land is holden shal haue the Land by escheat: and so when land descendeth on the Mothers side, the heire on the mothers side shall inherite, and not the heires of the Fathers side And you shall vnderstand, that a Bastard can neuer bee heyre vnto anie man, nor yet haue heire vnto himselfe but his children: therefore if any Bastard die without issue, or any other Tenant haue died seised without heires, you shall present it.

A Bastard may not inherite.

25 Also you shall enquire if anie Tenant was seised of any Lands or Tenements, and was put out of his land by one which had no rightfull title, and afterward died without any heire, the Lord shall haue his Escheate as well as if his Tenant had died seised.

Whether any tenant died being put out of his lands by one which had no right.

Petty treason felony, or murder committed by any tenant, for which he was hanged, or had iudgment to be hanged.

26 Also you shall enquire whether any tenant of this Lordship hath committed anie pety treason, felonies, or murders, for the which hee was hanged, or for the which hee had iudgement to bee hanged, though afterward he died by the act of God, or praied his Clergie and was allowed it, and deliuered to the Ordinary before the statute made in the 18. yeere of Q. Elizabeths raigne, or else since that statute was burned in the hand, and deliuered out of prison according to the statute, for by that iudgement he was attainted, and the Lord entreth to the escheat of his Lands, and therefore if any such be, present it. And whether any Tenant hath committed any petie treason, felony, or murder, for the which he hath abiured the land, or for the which he was outlawed, or for the which hee was beheaded, or for the which hee was ouercome by wager of battell vpon an appeale, or in the combate put to death, and present it: for in all these cases, the Lord of whom the lands are holden, shall haue the Lands by escheate, and also the guidenees concerning the same.

Whether there be any rents lost, or services withdrawn.

27 Also you shall enquire if there bee any rents, customes or seruices withdrawne from the lordship, which of right ought to bee done & present it, & what rents, customes, & seruices they are, and by whom they are withdrawne, and

and where the land lieth out of which they be due, and who holdeth the same, that the Lord may haue his remedie for the arrerages thereof.

28 Also you shall enquire whether the Copiholders or the farmers of the Lordship doe vphold and repaire their tenements, yea or no, and present the same: you shall vnderstand that euery Tenant is bound to three things: First, that hee bee true Tenant to his Lord: Secondly, that hee sufficientlie repaire his tenements: And thirdly, that he pay and doe all suites, customes, and seruices at his dayes assigned: for he toke vpon him so to doe when hee did his fealty, and if he doe not pay his suites, customes, and seruices, the Lord shall haue good remedie and retouer the same with his damages: and if he be a Copiholder, and do the contrary, he doth forfeit his Copihold. Whether the tenants do vphold or repaire their tenements.

29 Also you shall enquire if any tenant of this Lordship which is bound by reason of his tenure, to doe suit vnto the Lords Mill, doe the same: yea or no, and present it: and whether any haue vsed to withdraw their suit from the Lords Mill, in not grinding their corne there, yea or no, and present it. Whether any tenant haue withdrawne his seruice.

30 Also you shal enquire whether any waife or stray, is, or was within this lordship, and whether the Lord be answered for the same Waife and stray.

yea

yea or no: if not, present by whom they are conueyed away, also you shall enquire if any Herriot be conueyed away, yea or no, and present it, and by whom.

What a Waife is.

31 A waife is, if a theefe vpon hue and cry and pursuite after him, or otherwise to ease himselfe of his carriage, without hue and crie doth waife his goods, that is to say, doth leaue and forsake his goods which hee hath stolne, or any parcell of them, by reason whereof the King, or any other Lord or officer in his right, or in his owne right doe seaze the goods: in those cases the goods so seazed are called waifes: and the same Law is if any officer take any goods of a Theefe, suspecting that he hath stolne them, though there be no pursuite made: and in these cases the King, or else the Lord by reason of a grant made by the King, or by the prescription, shall haue the goods so waifed, if the owner of them doe not make fresh suite after the theefe to attaint him for stealing of the same goods: which fresh suit if hee make, he shall haue his goods againe: though they be waifed, but then hee must sue an appeale, or else procure the party to bee indicted and conuicted by euidence at his pursuit, according to the statute made, 21. H. 8. cap. 11.

What an estray is.

32 An estray is, when any Horse, Mare, Oxe, Sheepe, or other beasts, are in the Lord

Lordship, and no man knoweth the owner of them, they shall be seised vnto the vse of the King, or to the Lord which hath such an Estray by the King his grant, or by prescription: and if the owner come and make claime within a yeare and a day, then hee shall haue it againe, or else after the yeare & the day, the property thereof shall be to the King, or else to the Lord which hath the same by grant or prescription, so that the Lord make proclamation thereof according to the Law, in the next markets and in the Church.

33 Also you shall enquire, whether any person haue made rescous against the Lord, or any other officer, and present it. Rescous.

34 Rescous is, when the Lord distraineth the land holden of him for his rent, or services behind, or if the Lord come vpon the lands and would distraine, and the tenant or some other will not suffer him, that is rescous: also if the Lord distraine for seruice behind, or for dammage feasant, and in driuing cattell to the pound, the beasts enter into the house of the owner, if in such case hee that distraineth doth pray deliuerance, and the possessors will not deliuer them, that is Rescous, therefore you shall present it, if rescous haue beene made.

35 Also you shal enquire whether any person hath broken the Lords pownds, that is, to Breach of pownds.

haue

haue taken away a diſtreſſe put in, yea
no, & preſent it. You ſhall vnderſtand, t
if the Lord doe diſtraine any tenant for r
or ſeruice behind, he may impound the ſa
diſtreſſe in a common pound if he will, or
his owne ground, or in his neighbours if
will, by the licence of his neighbour, and
theſe places in which the Lord doth i
pound any cattell, are called the Lo
pound: but alwayes when another
impound any diſtreſſe in his owne pou
or in his neighbors, it behoueth him to g
notice to the other partie, for that if the
ſtreſſe be quicke he may giue it meat,
then if the beaſt die for want of food, he t
whose diſtrayned ſhall be at the loſſe, and t
he that diſtrained before may diſtraine
gaine for the ſame rent or dutie.

Whether any tenant hath let any farme fall to decay, viz. not maintained husbandry as before.

36 Alſo you ſhall enquire if any Ten
of this lordſhip, hath let any farme or h
fall into decay, which at any time ſith
the firſt yeare of the raigne of K. H. 7.
house lett with twenty acres of Land
ing in tillage, yea or no, and preſent it:
if they ſuffer their houſes to fall into
cay, the Lord may take and diſtraine
halfe of the iſſues and profits of the ſa
and keepe them to his owne vſe, vn
ſuch time as the houſes ſhall bee ſuf
ently builded and repaired, that is to ſ
ma

maintained against for husbandrie. This was by the Statute 4. H. 7. which is now repealed by 39. El.

Whether any have overcharged the commons.

37 Also you shall enquire if any inhabitant or common haue ouer-charged the common or high-wayes, or your common fields, by putting in more cattell then they ought to kepe, & whether any of them haue put their cattell in any other commons aforesaid, before the dayes agreed vpon and present it, for the Lord of any commoner (as it seemeth) may distraine the surplusage, dammage feasant, or els you may make among your selues orders and lawes for your owne profit, that none shall doe vpon paine of certaine penalties &c. & by such lawes the inhabitants and commoners shall be bound, &c.

Whether any pits be made in the high waies. Breaking of hedges. Hogs unyoked or unringed. Stopping wayes, waters, &c.

38 Also you shall enquire if anie person haue made anie pits in the high wayes, and whether any person doe commonlie vse to breake hedges, and to suffer hogs to goe unyoaked, or vnringed, to the annoyance of their neighbours.

39 Also you shall enquire whether anie person hath strained or stopped any wayes, water ditches, pathes, or turned and of them into a wrong course, and present it.

Whether any have encroched.

40 Also if any haue encroached any land of the lord, that is to say, land, meadow, pasture, wood, heath, moore, or any other vacant land

land without license of the Lord, by setting of his hedge, pale, or otherwise, and present the same.

41 Note that all the vacant and waste land within the manor, is to the Lord of the manour.

Whether any have removed markes.

42 Also you shall enquire whether any person have ared, plowed up, or removed any Meer-marks, balks, or limits between one peece of land and another, and present it.

Whether any haue stalked with bush or beast

43 Also you shall enquire if any haue stalked with a bush or beast to kill Deere which is in the Lords Chase and Parke, and present it.

Whether any have or doe keepe away any evidences.

44 Also you shal enquire if any person have or keepeth away any evidences, charters, court rolls, customary terrars, or anie other evidences which concerne the lordship, or any parcell thereof, yea or no, and present it.

Whether any have fished, fouled hawked.

45 Also you shal enquire if any person have fished, fowled, hawked or hunted in his Lordship or Lords warren, and present it.

Feasants, &c.

46 Also you shal enquire if any person have taken any feasants, or partriges, with net, snare, or other engin, upon the freehold of the Lord of this manor, and present it.

Swannes Egges.

47 Also you shall enquire if any person haue taken away the Egges of the Lords Swans out of their nests, and present it.

48 Also you shal enquire if any lands of the

Lord

Lords bee kept backe, or occupied by anie without the licence of the Lord: also what and it is, and how much land hath beene so occupied, and of what value by the yeare the same is, and present it. Concealed land.

49 Also you shall enquire whether the lord haue any villaine within his Lordship, and what goods, cattels, & lands hee hath, what state he hath, that the Lord may seise thereupon: also what other things hee hath: also if any villaine carrie his goods out of his Lordship without licence of the Lord: or if anie Freeman espouse a Niese without licence of the Lord, you shall present the same. Note if a villaine purchase Land, and doth allien the same to another before the Lord enter, then the Lord after shall not enter: otherwise it is if the Lord enter before the alienation of the villaine: the same law is of goods, but the Lord may not seise the goods that the villaine hath as Executor. Whether the Lord have any villaine within the Lordship.

50 Also you shall enquire if any trespasse haue done in any of the Lords liberties, viz. in his corne, grasse, meadowes, pasture, woods, hedges, waters, or ponds: or if any take honey, swarmes of bees, or any hawkes, or ayrie of hawkes, or such like trespasse, and present them. Trespasse in the Corne, grasse.

51 Also you shall enquire if any land bee inclosed,

For inclosing in severalty grounds without licence of the Lord, &c.

inclosed, & the same kept in seueralty wh[illegible] ought to lie open, without licence of the L[illegible] and other Freeholders, you shall present [illegible] same, for that no tenant of the Lordship sh[illegible] lose the Common in the same.

A Copiholder may not let longer then a yeare & a day.

52 Also if any Copiholder let his Copih[illegible] land for longer time than a yeare and a d[illegible] without licence, except it be by customs t[illegible] he may let for longer time, and if he doe, it [illegible] a forfeiture, and present the same.

Whether any be outlawed.

53 Also you shall enquire whether any [illegible] nant of this Lordship hath beene outlaw[illegible] in any action of trespasse, or other action, a[illegible] present it, and whether the Lord bee ans[illegible] red of his goods and cattels, yea or no, a[illegible] present the same.

Granting greater estates.

54 Also you shall enquire whether any T[illegible] nant for yeares, or life, haue graunted a[illegible] greater or larger estates than they had [illegible] their lands or tenements, yea or no, and p[illegible] sent it, for that is a forfeiture of their [illegible] states.

Whether the Bailiefe and other Officers doe execute their Office.

55 Also you shall enquire if the Bailie[illegible] Headborough, Constable, and Haiward, a[illegible] all other officers, haue well & truly execu[illegible] their offices, yea or no, and present it.

Note, Headborough nor Constable be not present in a Court Baron.

Whether the default & plaints be attended,

56 To conclude, you shall enquire whe[illegible] all the defaults and plaints that were pre[illegible]

ted at the last court bee sufficiently amended yea or no, and whether all the orders and lawes heretofore made bee observed and kept, yea or no, and present it. And further, you shall enquire for all things which in your consciences you thinke ought to bee searched and enquired of, and by the oathes that you have taken you shall truelie and diligently enquire of all the premisses, and plainely without concealing of any fault, bring in a true verdict in writing, subscribed with your owne hands, sealed with your seales, by such an houre, or as soone as you can.

It is needeleſſe but in caſe of Felony for to deliver their verdict ſealed, and then it muſt be indented: but it is convenient to have it in writing, written or ſubſcribed by them, or one of them, but not neceſſary: But to avoid the blame, ignominie or ſlander, the Steward might incurre, if they might after deny their doings.

57 And finally, if you ſhall know any thing that ought to be preſented to the Lords advantage, you ſhall doe us to weet by the oath that you have made, and bring us in a true preſentment. And now you may depart and enquire of your charge, having a regard of your oathes.

Finis de le charge de Court Baron.